

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:01-CR-00206-F-1
No. 5:16-CV-00181-F

MARCUS JACKSON,)
Petitioner,)
v.)
UNITED STATES OF AMERICA,)
Respondent.)

ORDER

This matter is before the court on Marcus Jackson's Motion for Reconsideration [DE-35].

In his motion, Jackson renews arguments raised in his motion filed pursuant to 28 U.S.C. § 2255 [DE-13, -15, -18], his Motion to Amend [DE-28], and his Motion to Stay [DE-30].

Rule 59(e) of the Federal Rules of Civil Procedure permits a court to alter or amend a judgment. Fed. R. Civ. P. 59(e). Although the rule itself does not set forth any guidelines as to when such a motion should be allowed, the Fourth Circuit Court of Appeals has recognized three grounds for amending a judgment pursuant to Rule 59(e): "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available [previously]; or (3) to correct a clear error of law or prevent manifest injustice." *Sloas v. CSX Transp., Inc.*, 616 F.3d 380, 385 n.2 (4th Cir. 2010) (alteration added and citation omitted). "It is an extraordinary remedy that should be applied sparingly." *Mayfield v. Nat'l Ass'n for Stock Car Auto Racing, Inc.*, 674 F.3d 369, 378 (4th Cir. 2012). A "district court has considerable discretion in deciding whether to modify or amend a judgment." *Gagliano v. Reliance Standard Life Ins. Co.*, 547 F.3d 230, 241 n.8 (4th Cir. 2008).

Following a review of the record and this court's November 22, 2016 Order [DE-33], this

court sees no meritorious reason to disturb its ruling. Consequently, Jackson's Motion for Reconsideration [DE-35] is DENIED.

SO ORDERED.

This, the 30 day of January, 2017.



JAMES C. FOX
Senior United States District Judge